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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,744	12/24/2003	Simo Makimattila	1381-0305P	9093
2292 7590 10/15/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER TRAN, THUAN Q	
			ART UNIT 3693	PAPER NUMBER
			NOTIFICATION DATE 10/15/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/743,744

Applicant(s)

MAKIMATTILA, SIMO

Examiner

Thuan Tran

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, and 13 is/are rejected.
- 7) ☒ Claim(s) 9 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3-24-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This action is in reply to the US application filed on 12-24-2003.
2. Claims 1-13 are currently pending and have been examined.

Priority

3. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

4. The Information Disclosure Statement filed on 3-24-2004 has been considered.
An initialed copy of the Form 1449 is enclosed herewith.

Claim Objections

5. **Claims 9 and 12** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 5. See MPEP § 608.01(n). Accordingly, the claims 9 and 12 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant has on distinguished an "intelligent card" from a magnetic strip card type card or card with embedded SIM chip. Hence, for the purposes of this examination, an "intelligent card" will be understood to be a magnetic strip card type card or card with embedded SIM chip.

8. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 13, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. No tangible result is produced in taking into account the mobility of user groups of different ages.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. **Claims 1-3, 6-8, and 10** are rejected under 35 U.S.C. 102(b) as being anticipated by Esch et al., EP 0 596 579.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

13. **As per claim 1**, Esch teaches:

- *Method for repayment of the investment costs of an elevator on the basis of personal identification of a passenger wanting to enter the elevator, by providing the aforesaid passenger with a card comprising the personal data of the aforesaid passenger, on the basis of which card a remote reader installed in connection with the elevator identifies the passenger, **characterized** in that each*

passenger of the aforesaid elevator (see at least column 2 line 13-18) is charged via the aforesaid card (see at least column 4 line 36-47, the registration means with the unique identifier, uniquely coupled to the holder is the personal data that identifies the passenger) for using the elevator on the basis of the number of times of use in such manner that the investment costs of the aforesaid elevator are repaid (see at least column 2 line 22-32).

14. As per claim 2, Esch teaches:

- *the card comprising the personal data of the aforesaid passenger is an intelligent card, which is used to give the passenger access to the elevator (see at least column 4 line 36-39, the intelligent card is the smart card).*

15. As per claim 3, Esch teaches:

- *the card comprising the personal data of the aforesaid passenger is a ticket card, which is used to give the passenger access to the elevator (see at least column 4 line 40-41).*

16. As per claim 6, Esch teaches:

- *the personal identification cards of the aforesaid passenger are read either by optical, magnetic or electric means (see at least column 5 line 11-12, the examiner has elected magnetic means from the applicant's set of options).*

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17. **As per claim 7**, Esch teaches:

- *the passengers are charged different sums for the use of the aforesaid elevator depending on the destination floor (see at least column 2 line 22-32, the distance traveled is the fixed distance between the floors).*

18. **As per claim 8**, Esch teaches:

- *that statistical data can be collected regarding the use of the aforesaid elevator, based on intensity of use (see at least column 3 line 12-16, storing the distance a passenger travels per period of time is statistical data).*

19. **As per claim 10**, Esch teaches:

- *the times of use of the elevator by the passenger are registered separately for each passenger by means of the aforesaid remote reader installed in the elevator (see at least column 3 line 21-24).*

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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21. **Claims 4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Esch et al., EP 0 596 579 in view of Ramachandran, US 2001/0013551.

22. **As per claim 4:**

Esch teaches claim 1 as described above. Esch does not specifically teach that the card has multiple other uses. However, Ramachandran teaches:

- *the card comprising the personal data of the aforesaid passenger is a identity card or a personal identification card or a health insurance card or a student card or a driver's license or a party membership card (see at least paragraph 0032, the student I.D card is the identity card, personal identification card, and student card; the card with a "bar code indicia representative of a user's account with a group health plan" is a health insurance card; and the employee access card is the party membership card as the employee is a member of the employer party of workers).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Esch and Ramachandran to produce a method to pay for travel on an elevator using a card that also carries identification for other purposes with motivation to solve the "need for a method that can reduce the number of credit, debit, and other cards or card like objects that a person must carry while still obtaining the benefit of carrying all such cards and objects individually," see at least Ramachandran paragraph 11.

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23. As per claim 5:

Esch teaches claims 2 and 3 and Esch in view of Ramachandran teach claim 4 as described above. He does not specifically teach using two or more forms of identification to verify identity. However, the examiner takes **Official Notice** that it is old and well known in the art at the time of the invention to base personal identification on several type of identification cards. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the methods of Esch and Esch in view of Ramachandran to produce a method to pay for travel on an elevator using a card that requires multiple forms of identification to verify passenger identity with motivation to add another level of security to the identification process to reduce the use of stolen access cards.

24. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Esch et al., EP 0 596 579 in view of Applicant's admitted prior art.

25. As per claim 11:

Esch teaches claim 10 as described above. However, he does not specifically teach that the card reader is in connection with a call button. However, the applicant's admitted prior art as stated in the specification teaches:

- *the remote reader installed in the aforesaid elevator is mounted primarily in connection with a call button, allowing the aforesaid passenger to give a call by showing the aforesaid card, whereupon the elevator control system issues a call*

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corresponding to the data on the card (see at least Applicant's specification page 1 lines 31-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Esch and the prior art to produce a method to pay for travel on an elevator using a card wherein the card reader is associated with the call button with motivation to restrict use of the elevator to only people who have funds to use the elevator. This reduces excess wear on the machinery from nonpaying customers.

26. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Esch et al., EP 0 596 579.

27. **As per claim 13:**

Although Esch teaches that the intelligent card can also be used to pay for travel on other types of transportation, see at least column 1 line 21-25, he does not specifically note ships, airplanes, and street cars as type of transportation to pay for with this card. However, the Examiner takes **Official Notice** that ships, airplanes, and streetcars are old and well know forms of transportation. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend Esch to produce a method to pay for travel on an elevator using a card that can also pay for travel by other means with motivation to broaden the user base of a travel card to increase sales of such a card.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan Tran whose telephone number is 571-270-1832. The examiner can normally be reached on Monday-Thursday 7:30-5:00, ALT Fridays 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammel can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thuan Tran
10-1-2007
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